



**Minnesota Pollution  
Control Agency**

520 Lafayette Road North  
St. Paul, MN 55155-4194

# MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate  
Storm Sewer System (MS4) Permit MNR040000  
reissued with an effective date of August 1, 2013  
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

**Instructions:** This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

**Submittal:** This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at [ms4permitprogram.pca@state.mn.us](mailto:ms4permitprogram.pca@state.mn.us) from the person that is duly authorized to certify this form. All questions with an asterisk (\*) are required fields. All applications will be returned if required fields are not completed.

**Questions:** Contact Claudia Hochstein at 651-757-2881 or [claudia.hochstein@state.mn.us](mailto:claudia.hochstein@state.mn.us), Dan Miller at 651-757-2246 or [daniel.miller@state.mn.us](mailto:daniel.miller@state.mn.us), or call toll-free at 800-657-3864.

## General Contact Information (\*Required fields)

### MS4 Owner (with ownership or operational responsibility, or control of the MS4)

\*MS4 permittee name: City of Spring Park \*County: Hennepin  
(city, county, municipality, government agency or other entity)

\*Mailing address: 4349 Warren Ave

\*City: Spring Park \*State: MN \*Zip code: 55384

\*Phone (including area code): 952-471-9051 \*E-mail: DTolsma@ci.spring-park.mn.us

### MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

\*Last name: Goman \*First name: D.J.  
(department head, MS4 coordinator, consultant, etc.)

\*Title: Public Works Director

\*Mailing address: 4349 Warren Ave

\*City: Spring Park \*State: MN \*Zip code: 55384

\*Phone (including area code): 952-471-9051 \*E-mail: djgoman@ci.spring-park.mn.us

### Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Pearson First name: Paul  
(department head, MS4 coordinator, consultant, etc.)

Title: City Engineer

Mailing address: 14800 28<sup>th</sup> Ave N, Suite 140

City: Plymouth State: MN Zip code: 55447

Phone (including area code): 763-476-6010 E-mail: ppearson@mfra.com

## Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

## Certification (All fields are required)

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- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

*I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.*

*I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.*

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Dan Tolsma  
(This document has been electronically signed)

Title: City Administrator Date (mm/dd/yyyy): 11/25/2013

Mailing address: 4349 Warren Ave

City: Spring Park State: MN Zip code: 55384

Phone (including area code): 952-471-9051 E-mail: DTolsma@ci.spring-park.mn.us

**Note:** The application will not be  
processed without certification.

# Stormwater Pollution Prevention Program Document

## I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☐ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
Minnehaha Creek Watershed District and Spring Park work together on a number of stormwater management initiatives.	Article V of the City's stormwater management ordinance references the MCWD's rules and requires compliance with them.

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere\_Partnerships*.

## II. Description of Regulatory Mechanisms: (Part II.D.2)

### Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language

☐ Policy/Standards ☐ Permits

☐ Rules

☐ Other, explain: \_\_\_\_\_

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_IDDEreg*.

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

## Construction site stormwater runoff control

- A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If **yes**:

- a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language  
☒ Policy/Standards ☐ Permits  
☐ Rules  
☐ Other, explain: \_\_\_\_\_

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

*Erosion and Sediment Control is addressed in the attached City Code section for Stormwater Management and Erosion Control Plans, and references that all projects must meet the requirements of the Minnehaha Creek Watershed District. The City also has a SWPPP document for overall project guidance.*

Direct link:

- ☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_CSWreg*.

- B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☒ Yes ☐ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

- C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- |  |   |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion.   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants.  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. BMPs for dewatering activities.   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Site inspections and records of rainfall events   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 5. BMP maintenance   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site.  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins.  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*All erosion and sediment controls above, with the exception of #6, are covered by the Minnehaha Creek Watershed District's Erosion Control Rule. Management of Solid and Hazardous Wastes on a project site is not addressed in the MCWD rules nor directly in city ordinance outside of the Illicit Discharge rules. As such, the City's Stormwater Mananagement & Erosion Control ordinance will need to be revised to address it. The City will review and revise the current Code within 12 months of permit coverage.*

## Post-construction stormwater management

- A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities?

☒ Yes ☐ No

1. If **yes**:

a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language  
☐ Policy/Standards ☐ Permits  
☐ Rules  
☐ Other, explain: \_\_\_\_\_

b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Direct link:

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere\_PostCSWreg*.

B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☒ Yes ☐ No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):
  - a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
    - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
    - 2) Stormwater discharges of Total Suspended Solids (TSS).
    - 3) Stormwater discharges of Total Phosphorus (TP).
  - b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
    - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
    - 2) Stormwater discharges of TSS.
    - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
  - a. Limitations
    - 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas: ☐ Yes ☒ No
      - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
      - b) Where vehicle fueling and maintenance occur.
      - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
      - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
    - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas: ☐ Yes ☒ No
      - a) With predominately Hydrologic Soil Group D (clay) soils.
      - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
      - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
      - d) Where soil infiltration rates are more than 8.3 inches per hour.

- 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process. ☐ Yes ☒ No
4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference: ☐ Yes ☒ No
- 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
  - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
  - 3) Locations in the next adjacent DNR catchment area up-stream
  - 4) Locations anywhere within the permittee's jurisdiction.
- b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. ☐ Yes ☒ No
- c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part. ☐ Yes ☒ No
- d. Mitigation projects shall be completed within 24 months after the start of the original construction activity. ☐ Yes ☒ No
- e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part. ☐ Yes ☒ No
- f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e). ☐ Yes ☒ No
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:
- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☒ Yes ☐ No
- b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☒ Yes ☐ No
- c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

*The City of Spring Park is located entirely within the Minnehaha Creek Watershed District, and as such, all new projects that meet the MCWD's minimum criteria must undergo review and approval before receiving a permit. Many of the MS4 requirements listed above are met through current MCWD rules, but are not specifically addressed in the City Code. However, the Code does require that all projects must meet the applicable MCWD rules. The City will review the current Code in detail within 12 months of permit coverage and determine whether to include language that directly addresses the requirements of this section or update & strengthen the references to current MCWD rules.*

### III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No
1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere\_ERPs*.
  2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:  
*The City of Spring Park will work with their consulting engineer and the Minnehaha Creek Watershed District to develop ERPs that meet the requirements of this section. These ERPs will outline the process and enforcement escalation procedures that the City will use to address illicit discharge, construction stormwater, and post-construction stormwater violations. The city will complete development of the ERPs within 12 months of permit coverage.*
- B. Describe your ERPs:  
*The City Code states the following: "It shall be unlawful for any person or entity to violate any provision or fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter is guilty of a misdemeanor and shall be subject to penalties as provided in section 1-13 of the City Code. In addition, the city may issue a citation and impose an administrative fine for violation of this chapter as provided in section 1-14 of the City Code or use any other enforcement procedure or impose any other remedy provided in this chapter."*

### IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

- A. Describe how you manage your storm sewer system map and inventory:
- B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:
1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
  2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☒ Yes ☐ No
  3. Structural stormwater BMPs that are part of the permittee's small MS4. ☒ Yes ☐ No
  4. All receiving waters. ☒ Yes ☐ No
- If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:
- C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:
1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☒ Yes ☐ No
  2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☒ Yes ☐ No
- D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.
1. A unique identification (ID) number assigned by the permittee. ☒ Yes ☐ No
  2. A geographic coordinate. ☒ Yes ☐ No
  3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☒ Yes ☐ No
- If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.
- If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:
- E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4>, according to the ☐ Yes ☒ No

specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention:  
*MS4NameHere\_inventory*.

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

## V. Minimum Control Measures (MCMs) (Part II.D.5)

### A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

*An informed community is essential to the success of a Storm Water Management Program and the protection of the Lake Minnetonka resource. There is greater support for storm water programs when the public understands why they are necessary. Public support is beneficial when implementing new funding initiatives and seeking program volunteers. A knowledgeable community increases compliance with the programs. The public becomes aware of the personal responsibilities expected of them and the individual actions they can take to improve the water quality of the lake. The City of Spring Park partners with Minnehaha Creek Watershed District, the Lake Minnetonka Conservation District, regional communities, the school district, MPCA and DNR on a wide variety of public education initiatives.*

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

**If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Partner and collaborate with other Lake Minnetonka communities and organizations	Work together on large initiatives as they arise that benefit the whole of Lake Minnetonka. Ongoing.
Brochures & fact sheets available and on display at City Hall	Log questions and track printing of brochures as they occur. Ongoing.
Mailing of select brochures with utility billing	Log date and quantity of distribution as it occurs. Ongoing.
Partner with school districts for distribution of school-age appropriate materials	Log date and quantity of distribution as it occurs. Ongoing.
Regional community activities & volunteer events	Log date and attendance as occurs. Ongoing.
Local newspaper articles & city newsletter	Log date or article & note approximate distribution as it occurs. Ongoing.
BMP categories to be implemented	Measurable goals and timeframes
Build on and expand above activities	Implement improved tracking process within 12 months of permit coverage.

3. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*City Administrator*

### B. MCM2: Public participation and involvement

1. The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:



*Given opportunities to provide input and assistance, the community can play a crucial role in the development and implementation of the City's Storm Water Management Program. An active and involved community can provide a more widespread public support for the program, broad-based expertise, and be a conduit to other programs. There are numerous practices that can be incorporated into a public participation and involvement program. Some of the activities will require partnerships and some can be implemented at the local level.*

- List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Regularly scheduled council meetings to discuss storm water management issues & local cable broadcast	Log date of meeting & track attendance as it occurs. Ongoing.
Volunteer citizen's panel that advises the City Council on the storm water management program development and implementation issues	Log meeting minutes at each occurrence. Ongoing.
Public workshops with presentations from storm water management & water quality experts	Log date of meeting & track attendance at each occurrence. Ongoing.
Community clean-ups	Log date of event & track attendance at each occurrence. Ongoing.
Student activities such as storm drain stenciling, clean-ups, outdoor field trips, and classroom instruction	Log date of event & track attendance at each occurrence. Ongoing.
Articles in local paper	Log date or article & note approximate distribution at each occurrence. Ongoing.
BMP categories to be implemented	Measurable goals and timeframes
Build on and expand above activities	Implement improved tracking process within 12 months of permit coverage.

- Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

- Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*City Administrator*

### C. MCM 3: Illicit discharge detection and elimination

- The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

*The City of Spring Park is primarily a residential community with some high-density housing and light commercial business. These land use types are not associated with typical producers of illicit discharge. The storm sewers that outlet to the lake are located in residential areas and are easily observed by the adjacent property owners and lake users. Septic tanks and drain fields were eliminated from the City over 30 years ago. The probable worst case illegal discharge would be an individual act such as pouring car oil down a storm drain or a commercial discharge down a storm drain. These actions are unlikely to be prevented by an illicit discharge detection and elimination program.*

- Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- a. Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.)Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☒ Yes ☐ No
- b. Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☒ Yes ☐ No
- c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☒ Yes ☐ No
- d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. ☒ Yes ☐ No
- e. Procedures for the timely response to known, suspected, and reported illicit discharges. ☒ Yes ☐ No
- f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☒ Yes ☐ No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☒ Yes ☐ No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	Review ordinance on an annual basis to ensure that it continues to satisfy the requirements of the MS4 Permit and any other legal conditions. Ongoing.
Inspections	Representatives from the City, watershed district, and their consultants passively monitor for illicit discharges as a part of their ordinary duties, and respond to any reported discharges in accordance with enacted ordinances. Ongoing.
Obtain and include illegal discharge and improper disposal of waste information with educational outreach program.	Log & track as occurs. Ongoing.
BMP categories to be implemented	Measurable goals and timeframes
Training	All employees will become familiar with the illicit discharge ordinance and what items to keep watch for. City employees, consultants, and individuals with direct responsibility for inspections will be given formal training on changes to the MS4 permit. Target completion within 12 months of permit coverage.
Inspections	Individuals with inspection responsibility will be trained on new MS4 requirements and the scope of inspections expanded as needed in order to maintain compliance. Target completion within 12 months of permit coverage.

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☒ Yes ☐ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Public Works Director*

#### D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

*Polluted storm water runoff from construction sites is regulated through the City of Spring Park Local Water Management Plan, the Minnehaha Creek Watershed District's (MCWD) permitting process, and City of Spring Park Ordinance and NPDES Phase II Construction Site Permits.*

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):

- a. Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☒ Yes ☐ No
- b. Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☒ Yes ☐ No
- c. Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☒ Yes ☐ No
- d. Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
- 1) Does your program include procedures for identifying priority sites for inspection? ☒ Yes ☐ No
- 2) Does your program identify a frequency at which you will conduct construction site inspections? ☒ Yes ☐ No
- 3) Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☒ Yes ☐ No
- 4) Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☒ Yes ☐ No
- e. Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☒ Yes ☐ No
- f. Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No
- g. Does your program retain construction site inspection checklists or other written materials used to document site inspections? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Ordinance	All land disturbing projects must comply. Ongoing.
Implementation of Erosion & Sediment Control BMPs	All land disturbing projects must comply. Ongoing.

Waste Controls for Construction Site Operators	All land disturbing projects must comply. Ongoing.
Procedures for Site Plan Review	Maintain compliance with current ordinance, Local Water Management Plan, NPDES permit, and MCWD Permit. Ongoing.
Establishment of Procedures for the Receipt and Consideration of reports of Stormwater Noncompliance	Maintain compliance with current ordinance, Local Water Management Plan, NPDES permit, and MCWD Permit. Ongoing.
Establishment of Procedures for Site Inspections & Enforcement	Maintain compliance with current ordinance, Local Water Management Plan, NPDES permit, and MCWD Permit. Ongoing.
<b>BMP categories to be implemented</b>	<b>Measurable goals and timeframes</b>
Ordinance Update	City ordinance will be reviewed for compliance with the requirements of the 2013 MS4 Permit within 12 months of permit coverage.
Inspection Update	Inspection procedures will be updated per the requirements of the 2013 MS4 Permit within 12 months of permit coverage.

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Public Works Director

#### E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater management program. Describe your current program:

*Post-construction storm water management from new land development projects is regulated through the City of Spring Park Local Water Management Plan, the Minnehaha Creek Watershed District's (MCWD) permitting process, and City of Spring Park Ordinance and NPDES Phase II Construction Site Permits.*

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☒ Yes ☐ No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
- a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☒ Yes ☐ No
- b. All supporting documentation associated with mitigation projects that you authorize? ☒ Yes ☐ No
- c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☒ Yes ☐ No
- d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). If you have more than five categories, hit the tab key after the last line to generate a new row.

<b>Established BMP categories</b>	<b>Measurable goals and timeframes</b>
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Development & Implementation of Structural and/or Non-Structural BMPs	Plan review program to keep up BMPs to date. Ongoing.
Regulatory Mechanism to Address Post Construction Runoff from New Development	Maintain compliance with current MS4 rules, NPDES permit, and MCWD standards. Ongoing.
Long-term operation & maintenance of BMPs	Maintain compliance with current MS4 rules, NPDES permit, and MCWD standards. Ongoing.

BMP categories to be implemented	Measurable goals and timeframes
Update ordinance & SWMP to meet new requirements	City to adopt updated ordinance and/or LWMP within 12 months of permit coverage. City will coordinate efforts with MCWD.
Review & update applicable long term maintenance procedures	City to adopt updated procedures within 12 months of permit coverage.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Public Works Director*

#### F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

*The maintenance program for reducing pollutant runoff from municipal operations is contained in the City's Local Water Management Plan. The City will coordinate updates to Local Water Management Plan with the MCWD permitting process changes and any new requirements from the MPCA. Staff receives training on how to incorporate pollution prevention/good housekeeping techniques into municipal operations.*

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☒ Yes ☐ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:
4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

**If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Municipal Operations & Maintenance Program	Log training programs & staff attendance as they occur. Ongoing.
Street Sweeping	Perform in accordance with city ordinance & log date as occurs. Ongoing.
Annual inspection of all structural pollution control devices	Log & complete bi-annual inspections of all structural pollution control structures, public & private as they occur. Ongoing.
Inspection of a minimum of 205 of the MS4 outfalls,	Log & complete bi-annual inspections of all permanent BMPs,

sediment basins, and ponds each year on a rotating basis	public & private as they occur. Ongoing.
Annual inspections of all exposed stockpile, storage, and material handling areas	Log & complete annual inspection & report each year. Ongoing.
Inspection follow-up, including determination of whether repair, replacement, or maintenance measures are necessary and the implementation of the corrective measures.	Log & complete annual report form that meets NPDES Phase II requirements each year. Ongoing.
Record reporting & retention of all inspections and responses to inspections	Log & complete annual report form that meets NPDES Phase II requirements each year. Ongoing.
Evaluation of inspection frequency	Log & record if inspections indicate a variance in inspection frequency each year. Ongoing.
<b>BMP categories to be implemented</b>	<b>Measurable goals and timeframes</b>
Review and update Municipal Operations & Maintenance Program, and associated BMPs as necessary to maintain compliance with current MS4, MCWD and NPDES permit requirements	City to adopt updated procedures within 12 months of permit coverage.

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☒ Yes ☐ No

a. If **no**, continue to 6.

b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:

1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☐ Yes ☒ No

2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☐ Yes ☒ No

c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☐ Yes ☐ No

6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No

7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☒ Yes ☐ No

8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:

a. Addresses the importance of protecting water quality? ☒ Yes ☐ No

b. Covers the requirements of the permit relevant to the duties of the employee? ☒ Yes ☐ No

c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☒ Yes ☐ No

9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☒ Yes ☐ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

*The City of Spring Park will work with their consulting engineer and the Minnehaha Creek Watershed District to develop*



*a plan for how all permittee owned & operated stormwater management ponds will be modeled for TSS and TP treatment effectiveness within 12 months of permit coverage.*

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

*Public Works Director*

## VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☐ Yes ☒ No

1. If **no**, continue to section VII.
2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere\_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

## VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No

1. If **no**, this section requires no further information.
2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere\_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

## VIII. Add any Additional Comments to Describe Your Program

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Chapter 30 - STORMWATER UTILITY

ARTICLE II. PROHIBITED ACTIVITIES; MONITORING; PROTECTION; NOTIFICATION

**ARTICLE II. PROHIBITED ACTIVITIES; MONITORING; PROTECTION; NOTIFICATION**

[Sec. 30-20. Discharge prohibitions.](#)

[Sec. 30-21. Suspension of MS4 access.](#)

[Sec. 30-22. Industrial or construction activity discharges.](#)

[Sec. 30-23. Monitoring of discharges.](#)

[Sec. 30-24. Duty to prevent, control and reduce stormwater pollutants by the use of best management practices.](#)

[Sec. 30-25. Watercourse protection.](#)

[Sec. 30-26. Notifications of spills.](#)

[Secs. 30-27—30-39. Reserved.](#)

**Sec. 30-20. Discharge prohibitions.**

*(a) Prohibition of illegal discharges.*

- (1) No person or entity shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
- (2) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
  - a. The following discharges are exempt from discharge prohibitions established by this chapter: Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing pollutants.
  - b. Discharges specified in writing by the City of Spring Park as being necessary to protect public health and safety.
  - c. Dye testing is an allowable discharge, but requires a verbal notification to the City of Spring Park prior to the time of the test.
  - d. The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

*(b) Prohibition of illicit connections.*



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- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- (4) Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Spring Park.
- (5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Spring Park requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Spring Park.

(Ord. No. 12-02, § 30.20, 7-16-2012)

**Sec. 30-21. Suspension of MS4 access.**

- (a) *Suspension due to illicit discharges in emergency situations.* The City of Spring Park may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City of Spring Park may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City of Spring Park will notify a violator of the proposed termination of its MS4 access. The violator may petition the City of Spring Park for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.

(Ord. No. 12-02, § 30.21, 7-16-2012)

**Sec. 30-22. Industrial or construction activity discharges.**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Spring Park prior to the allowing of discharges to the MS4.

(Ord. No. 12-02, § 30.22, 7-16-2012)

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**Sec. 30-23. Monitoring of discharges.**

- (a) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- (b) *Access to facilities.*
  - (1) The City of Spring Park shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
  - (2) Facility operators shall allow the City of Spring Park ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
  - (3) The City of Spring Park shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City of Spring Park to conduct monitoring and/or sampling of the facility's stormwater discharge.
  - (4) The City of Spring Park has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
  - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Spring Park and shall not be replaced. The costs of clearing such access shall be borne by the operator.
  - (6) Unreasonable delays in allowing the City of Spring Park access to a permitted facility is a violation of a stormwater discharge permit and of this chapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City of Spring Park reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.
  - (7) If the City of Spring Park has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of Spring Park may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. No. 12-02, § 30.23, 7-16-2012)

**Sec. 30-24. Duty to prevent, control and reduce stormwater pollutants by the use of best management practices.**

The City of Spring Park has adopted the "Stormwater Pollution Prevention Program for the Municipal Separate Storm Sewer Systems Permit NPDES Permitting Program" which includes requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable

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protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants into the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 12-02, § 30.24, 7-16-2012)

**Sec. 30-25. Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(Ord. No. 12-02, § 30.25, 7-16-2012)

**Sec. 30-26. Notifications of spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the City of Spring Park in person or by phone, email or facsimile no later than the next business day. Notifications in person or by phone, email or facsimile shall be confirmed by written notice addressed and mailed to the City of Spring Park within three business days of the initial notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. No. 12-02, § 30.26, 7-16-2012)

**Secs. 30-27—30-39. Reserved.**

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ARTICLE V. STORMWATER MANAGEMENT AND EROSION CONTROL PLANS

**ARTICLE V. STORMWATER MANAGEMENT AND EROSION CONTROL PLANS** [\[7\]](#)

[Sec. 18-211. Statement of policy.](#)

[Sec. 18-212. Definitions.](#)

[Sec. 18-213. Applicability.](#)

[Sec. 18-214. Exemptions.](#)

[Sec. 18-215. Waiver.](#)

[Sec. 18-216. Application.](#)

[Sec. 18-217. Erosion control and stormwater management plans.](#)

[Sec. 18-218. Design standards.](#)

[Sec. 18-219. Approval standards.](#)

[Sec. 18-220. Conflict.](#)

[Secs. 18-221—18-239. Reserved.](#)

**Sec. 18-211. Statement of policy.**

This article is adopted pursuant to Minn. Stat. § 462.351. The city council finds that uncontrolled and inadequately planned use of areas subject to soil erosion adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the city to provide adequate water, sewage, flood control, and other community services. The purpose of this article is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse or potentially adverse or irreversible impact on water quality by requiring detailed review standards and procedures for land disturbing or development activities proposed for the city.

(Ord. No. 62-08, § 1, 10-18-1999)

**Sec. 18-212. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. In the event of any conflict between the definitions in this section and the corresponding definitions in rule B, "Erosion Control," and rule N, "Storm Water Management for Land Development Projects" of the Minnehaha Creek Watershed District rules, which rules are adopted below as a basis for the city's consideration of erosion control and stormwater management plans, the definitions in this section shall control:

*Applicant* means any person who wishes to obtain a building permit, zoning or subdivision approval.

*Control measure* means a practice or combination of practices to control erosion and attendant pollution.

*Detention facility* means a permanent natural or manmade structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

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*Flood fringe* means the portion of the floodplain outside of the floodway.

*Floodplain* means the areas adjoining a watercourse or which have been or hereafter may be covered by a regional flood.

*Floodway* means the channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

*Hydric soils* means soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

*Hydrophytic vegetation* means macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

*Land disturbing or development activities* means any change of the land surface, including removing vegetative cover, excavating, filling, grading and the construction of any structure.

*Public waters* means any waters as defined in Minn. Stat. § 103G.005, subd. 15.

*Public waters-wetlands* means wetlands, as defined in United States Fish and Wildlife Service publication FWS/OBS-79/31, not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2½ or more acres in incorporated areas. Wetlands, as defined by the state, means:

- (1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes:
  - a. At least periodically, the land supports predominantly hydrophytes;
  - b. The substrate is predominantly undrained hydric soil; and
  - c. The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.
- (2) A variety of areas that fall into one of five categories:
  - a. Areas with hydrophytes and hydric soils, such as those commonly known as marshes, swamps, and bogs;
  - b. Areas without hydrophytes but with hydric soils, for example, flats where drastic fluctuation in water level, wave action, turbidity, or high concentration of salts may prevent the growth of hydrophytes;
  - c. Areas with hydrophytes but nonhydric soils, such as margins of impoundments or excavations where hydrophytes have become established but hydric soils have not yet developed;
  - d. Areas without soils but with hydrophytes such as the seaweed-covered portion of rocky shores; and
  - e. Wetlands without soil and without hydrophytes, such as gravel beaches or rocky shores without vegetation.

Drained hydric soils that are now incapable of supporting hydrophytes because of a change in water regime are not considered wetlands by this definition. These drained hydric soils furnish a valuable record of historic wetlands, as well as an indication of areas that may be suitable for restoration. Wetlands as defined here include lands that are identified under other categories in some land use classifications. For example, wetlands and farmlands are not necessarily exclusive. Many areas that are defined as wetlands

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are farmed during dry periods, but if they are not tilled or planted to crops, a practice that destroys the natural vegetation, they will support hydrophytes.

*Regional flood* means a flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

*Retention facility* means a permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

*Sediment* means solid matter carried by water, sewage or other liquids.

*Structure* means anything which is built, constructed or erected; an edifice or building of any kind or any piece of work artificially built up and/or composed of parts joined together in some definite manner, whether temporary or permanent in character. For purposes of this definition, temporary structures, earthen structures, roads, parking lots and paved storage areas are all deemed to be structures.

*Wetlands* means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) Have a predominance of hydric soils;
- (2) Are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) Under normal circumstances support a prevalence of such vegetation.

Wetlands do not include public waters-wetlands as defined in this section.

**State law reference**— Definition of "wetlands," Minn. Stat. § 1036.005, subd. 19; definition of "public waters-wetlands," Minn. Stat. § 103G.005, subd. 15a.

(Ord. No. 62-08, § 2, 10-18-1999)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 18-213. Applicability.**

Applicants for building permits, subdivision approval, or a permit to allow land disturbing or development activities shall submit an erosion control plan and a stormwater management plan to the city administrator/clerk/treasurer. No building permit, subdivision approval, or permit to allow land disturbing or development activities shall be issued until approval of the erosion control plan and stormwater management plan has been obtained from the city or the city has determined that the exemption provisions set forth in [section 18-214](#) apply or has granted a waiver pursuant to the provisions of [section 18-215](#) and waived the plan submission and approval requirements of this article in writing. Failure to adhere to the erosion control and stormwater management plans submitted by the applicant pursuant to this section shall be a basis for revocation of building permits, subdivision approvals, or other permits to allow land disturbing or development activities which were issued by the city.

(Ord. No. 62-08, § 3, 10-18-1999)

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**Sec. 18-214. Exemptions.**

The provisions of this article do not apply to:

- (1) Any land disturbing or development activity for which plans have been approved by the Minnehaha Creek Watershed District within six months prior to the effective date of this article.
- (2) Any building permit application for which the scope of work described in the application does not meet the minimum threshold requirements for permits as established from time to time by the Minnehaha Creek Watershed District.
- (3) Emergency work to protect life, limb or property.

(Ord. No. 62-08, § 4, 10-18-1999)

**Sec. 18-215. Waiver.**

If an applicant for a building permit, subdivision approval, or a permit to allow land disturbing or development activities seeks a waiver of any of the requirements of this article, such applicant shall state the basis for the requested waiver in writing addressed to the city administrator/clerk/treasurer and provide such other information as the city administrator/clerk/treasurer shall request in order for the planning commission to take action on the request for a waiver. Once all information has been supplied, the city administrator/clerk/treasurer shall submit the matter to the planning commission, which shall make a recommendation to the city council. The city council, upon recommendation of the planning commission, may waive any requirement of this article upon making a finding that compliance with the requirement will involve an unnecessary hardship; and the waiver of such requirement will not adversely affect the standards and requirements set forth in sections [18-217](#) and [18-218](#). The city council may require as a condition of the waiver such dedication of or construction of or agreement to dedicate or construct detention facilities or retention facilities or the adoption of control measures as may be necessary to adequately meet such standards and requirements.

(Ord. No. 62-08, § 5, 10-18-1999)

**Sec. 18-216. Application.**

Applicants for approval of erosion control and stormwater management plans shall file an application in such form and pay such application fee as may be prescribed from time to time by the city council. The application and the proposed erosion control and stormwater management plans shall be filed with the city administrator/clerk/treasurer. Prior to applying for approval of the plans, the applicant may have such plans preliminarily reviewed by the appropriate departments of the city.

(Ord. No. 62-08, § 6, 10-18-1999)

**Sec. 18-217. Erosion control and stormwater management plans.**

At a minimum, the erosion control and stormwater management plans shall contain the information and meet the requirements as required or set forth in the most current versions of rule B, "Erosion Control," and rule N, "Storm Water Management for Land Development Projects," of the Minnehaha Creek Watershed District rules. Copies of the then current versions of rules B and N shall be kept on file in the offices of the city and be made available for inspection. Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the city administrator/clerk/treasurer. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum, the scale shall be one inch equals 100 feet.

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(Ord. No. 62-08, § 7, 10-18-1999)

**Sec. 18-218. Design standards.**

At a minimum, the erosion control and stormwater management plans shall comply with the design requirements of rule B, "Erosion Control," and rule N, "Storm Water Management for Land Development," of the Minnehaha Creek Watershed District rules.

(Ord. No. 62-08, § 8, 10-18-1999)

**Sec. 18-219. Approval standards.**

No erosion control plan or stormwater management plan which does not contain the information or meet the design standards of sections [18-217](#) and [18-218](#) shall be approved by the city. If a development activity requires the approval of the Minnehaha Creek Watershed District and compliance with its rules, failure to secure such approval and comply with such rules shall also be a basis for the city to deny approval of an erosion control plan or stormwater management plan.

(Ord. No. 62-08, § 9, 10-18-1999)

**Sec. 18-220. Conflict.**

In the event of any conflict between the provisions of this article and the provisions of any other ordinance adopted by the city relevant to erosion control or shoreland protection, the more restrictive standards apply.

(Ord. No. 62-08, § 10, 10-18-1999)

**Secs. 18-221—18-239. Reserved.**

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FOOTNOTE(S):

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**Cross reference**— Stormwater utility, ch. 30. [\(Back\)](#)



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**ARTICLE V. STORMWATER MANAGEMENT AND EROSION CONTROL PLANS** [\[7\]](#)

[Sec. 18-211. Statement of policy.](#)

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[Sec. 18-214. Exemptions.](#)

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[Sec. 18-218. Design standards.](#)

[Sec. 18-219. Approval standards.](#)

[Sec. 18-220. Conflict.](#)

[Secs. 18-221—18-239. Reserved.](#)

**Sec. 18-211. Statement of policy.**

This article is adopted pursuant to Minn. Stat. § 462.351. The city council finds that uncontrolled and inadequately planned use of areas subject to soil erosion adversely affects the public health, safety and general welfare by impacting water quality and contributing to other environmental problems, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the city to provide adequate water, sewage, flood control, and other community services. The purpose of this article is to promote, preserve and enhance the natural resources within the city and protect them from adverse effects occasioned by poorly sited development or incompatible activities by regulating land disturbing or development activities that would have an adverse or potentially adverse or irreversible impact on water quality by requiring detailed review standards and procedures for land disturbing or development activities proposed for the city.

(Ord. No. 62-08, § 1, 10-18-1999)

**Sec. 18-212. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. In the event of any conflict between the definitions in this section and the corresponding definitions in rule B, "Erosion Control," and rule N, "Storm Water Management for Land Development Projects" of the Minnehaha Creek Watershed District rules, which rules are adopted below as a basis for the city's consideration of erosion control and stormwater management plans, the definitions in this section shall control:

*Applicant* means any person who wishes to obtain a building permit, zoning or subdivision approval.

*Control measure* means a practice or combination of practices to control erosion and attendant pollution.

*Detention facility* means a permanent natural or manmade structure, including wetlands, for the temporary storage of runoff which contains a permanent pool of water.

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*Flood fringe* means the portion of the floodplain outside of the floodway.

*Floodplain* means the areas adjoining a watercourse or which have been or hereafter may be covered by a regional flood.

*Floodway* means the channel of the watercourse, the bed of water basins, and those portions of the adjoining floodplains that are reasonably required to carry and discharge floodwater and provide water storage during a regional flood.

*Hydric soils* means soils that are saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

*Hydrophytic vegetation* means macrophytic plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

*Land disturbing or development activities* means any change of the land surface, including removing vegetative cover, excavating, filling, grading and the construction of any structure.

*Public waters* means any waters as defined in Minn. Stat. § 103G.005, subd. 15.

*Public waters-wetlands* means wetlands, as defined in United States Fish and Wildlife Service publication FWS/OBS-79/31, not included within the definition of public waters, that are ten or more acres in size in unincorporated areas or 2½ or more acres in incorporated areas. Wetlands, as defined by the state, means:

- (1) Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes:
  - a. At least periodically, the land supports predominantly hydrophytes;
  - b. The substrate is predominantly undrained hydric soil; and
  - c. The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.
- (2) A variety of areas that fall into one of five categories:
  - a. Areas with hydrophytes and hydric soils, such as those commonly known as marshes, swamps, and bogs;
  - b. Areas without hydrophytes but with hydric soils, for example, flats where drastic fluctuation in water level, wave action, turbidity, or high concentration of salts may prevent the growth of hydrophytes;
  - c. Areas with hydrophytes but nonhydric soils, such as margins of impoundments or excavations where hydrophytes have become established but hydric soils have not yet developed;
  - d. Areas without soils but with hydrophytes such as the seaweed-covered portion of rocky shores; and
  - e. Wetlands without soil and without hydrophytes, such as gravel beaches or rocky shores without vegetation.

Drained hydric soils that are now incapable of supporting hydrophytes because of a change in water regime are not considered wetlands by this definition. These drained hydric soils furnish a valuable record of historic wetlands, as well as an indication of areas that may be suitable for restoration. Wetlands as defined here include lands that are identified under other categories in some land use classifications. For example, wetlands and farmlands are not necessarily exclusive. Many areas that are defined as wetlands

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are farmed during dry periods, but if they are not tilled or planted to crops, a practice that destroys the natural vegetation, they will support hydrophytes.

*Regional flood* means a flood that is representative of large floods known to have occurred generally in the state and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of a 100-year recurrence interval.

*Retention facility* means a permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

*Sediment* means solid matter carried by water, sewage or other liquids.

*Structure* means anything which is built, constructed or erected; an edifice or building of any kind or any piece of work artificially built up and/or composed of parts joined together in some definite manner, whether temporary or permanent in character. For purposes of this definition, temporary structures, earthen structures, roads, parking lots and paved storage areas are all deemed to be structures.

*Wetlands* means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definition, wetlands must have the following three attributes:

- (1) Have a predominance of hydric soils;
- (2) Are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (3) Under normal circumstances support a prevalence of such vegetation.

Wetlands do not include public waters-wetlands as defined in this section.

**State law reference**— Definition of "wetlands," Minn. Stat. § 1036.005, subd. 19; definition of "public waters-wetlands," Minn. Stat. § 103G.005, subd. 15a.

(Ord. No. 62-08, § 2, 10-18-1999)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 18-213. Applicability.**

Applicants for building permits, subdivision approval, or a permit to allow land disturbing or development activities shall submit an erosion control plan and a stormwater management plan to the city administrator/clerk/treasurer. No building permit, subdivision approval, or permit to allow land disturbing or development activities shall be issued until approval of the erosion control plan and stormwater management plan has been obtained from the city or the city has determined that the exemption provisions set forth in [section 18-214](#) apply or has granted a waiver pursuant to the provisions of [section 18-215](#) and waived the plan submission and approval requirements of this article in writing. Failure to adhere to the erosion control and stormwater management plans submitted by the applicant pursuant to this section shall be a basis for revocation of building permits, subdivision approvals, or other permits to allow land disturbing or development activities which were issued by the city.

(Ord. No. 62-08, § 3, 10-18-1999)

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**Sec. 18-214. Exemptions.**

The provisions of this article do not apply to:

- (1) Any land disturbing or development activity for which plans have been approved by the Minnehaha Creek Watershed District within six months prior to the effective date of this article.
- (2) Any building permit application for which the scope of work described in the application does not meet the minimum threshold requirements for permits as established from time to time by the Minnehaha Creek Watershed District.
- (3) Emergency work to protect life, limb or property.

(Ord. No. 62-08, § 4, 10-18-1999)

**Sec. 18-215. Waiver.**

If an applicant for a building permit, subdivision approval, or a permit to allow land disturbing or development activities seeks a waiver of any of the requirements of this article, such applicant shall state the basis for the requested waiver in writing addressed to the city administrator/clerk/treasurer and provide such other information as the city administrator/clerk/treasurer shall request in order for the planning commission to take action on the request for a waiver. Once all information has been supplied, the city administrator/clerk/treasurer shall submit the matter to the planning commission, which shall make a recommendation to the city council. The city council, upon recommendation of the planning commission, may waive any requirement of this article upon making a finding that compliance with the requirement will involve an unnecessary hardship; and the waiver of such requirement will not adversely affect the standards and requirements set forth in sections [18-217](#) and [18-218](#). The city council may require as a condition of the waiver such dedication of or construction of or agreement to dedicate or construct detention facilities or retention facilities or the adoption of control measures as may be necessary to adequately meet such standards and requirements.

(Ord. No. 62-08, § 5, 10-18-1999)

**Sec. 18-216. Application.**

Applicants for approval of erosion control and stormwater management plans shall file an application in such form and pay such application fee as may be prescribed from time to time by the city council. The application and the proposed erosion control and stormwater management plans shall be filed with the city administrator/clerk/treasurer. Prior to applying for approval of the plans, the applicant may have such plans preliminarily reviewed by the appropriate departments of the city.

(Ord. No. 62-08, § 6, 10-18-1999)

**Sec. 18-217. Erosion control and stormwater management plans.**

At a minimum, the erosion control and stormwater management plans shall contain the information and meet the requirements as required or set forth in the most current versions of rule B, "Erosion Control," and rule N, "Storm Water Management for Land Development Projects," of the Minnehaha Creek Watershed District rules. Copies of the then current versions of rules B and N shall be kept on file in the offices of the city and be made available for inspection. Two sets of clearly legible blue or black lined copies of drawings and required information shall be submitted to the city administrator/clerk/treasurer. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum, the scale shall be one inch equals 100 feet.

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(Ord. No. 62-08, § 7, 10-18-1999)

**Sec. 18-218. Design standards.**

At a minimum, the erosion control and stormwater management plans shall comply with the design requirements of rule B, "Erosion Control," and rule N, "Storm Water Management for Land Development," of the Minnehaha Creek Watershed District rules.

(Ord. No. 62-08, § 8, 10-18-1999)

**Sec. 18-219. Approval standards.**

No erosion control plan or stormwater management plan which does not contain the information or meet the design standards of sections [18-217](#) and [18-218](#) shall be approved by the city. If a development activity requires the approval of the Minnehaha Creek Watershed District and compliance with its rules, failure to secure such approval and comply with such rules shall also be a basis for the city to deny approval of an erosion control plan or stormwater management plan.

(Ord. No. 62-08, § 9, 10-18-1999)

**Sec. 18-220. Conflict.**

In the event of any conflict between the provisions of this article and the provisions of any other ordinance adopted by the city relevant to erosion control or shoreland protection, the more restrictive standards apply.

(Ord. No. 62-08, § 10, 10-18-1999)

**Secs. 18-221—18-239. Reserved.**

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FOOTNOTE(S):

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**Cross reference**— Stormwater utility, ch. 30. [\(Back\)](#)

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Chapter 30 - STORMWATER UTILITY

ARTICLE III. VIOLATION; ENFORCEMENT; PENALTIES

**ARTICLE III. VIOLATION; ENFORCEMENT; PENALTIES**

[Sec. 30-40. Penalties for violation.](#)

[Sec. 30-41. Right to enter property.](#)

[Sec. 30-42. Notice of violation.](#)

[Sec. 30-43. Suspension of MS4 access.](#)

[Sec. 30-44. Emergency cease and desist order.](#)

[Sec. 30-45. Injunctive relief.](#)

[Sec. 30-46. Compensatory action.](#)

[Sec. 30-47. Violations deemed a public nuisance.](#)

[Sec. 30-48. Assessments.](#)

[Sec. 30-49. Remedies not exclusive.](#)

**Sec. 30-40. Penalties for violation.**

It shall be unlawful for any person or entity to violate any provision or fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter is guilty of a misdemeanor and shall be subject to penalties as provided in [section 1-13](#) of the City Code. In addition, the city may issue a citation and impose an administrative fine for violation of this chapter as provided in [section 1-14](#) of the City Code or use any other enforcement procedure or impose any other remedy provided in this chapter.

(Ord. No. 12-02, § 30.40, 7-16-2012)

**Sec. 30-41. Right to enter property.**

In the event the violation constitutes an immediate danger to public health or public safety, the City of Spring Park is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The City of Spring Park is authorized to seek reimbursement for the costs of the abatement as outlined herein.

(Ord. No. 12-02, § 30.41, 7-16-2012)

**Sec. 30-42. Notice of violation.**

Whenever the City of Spring Park finds that a person has violated a prohibition or failed to meet any requirement of this chapter, the City of Spring Park may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination or termination of illicit connections or discharges;
- (3) Immediate cessation or termination of violating discharges, practices, or operations;

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- (4) Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of an administrative fine to cover administrative and remediation costs; and
- (6) Implementation of source control or treatment BMPs.

(Ord. No. 12-02, § 30.42, 7-16-2012)

**Sec. 30-43. Suspension of MS4 access.**

Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Such suspension may also be imposed if it is necessary to stop an actual or threatened illicit discharge which presents or may present imminent and substantial danger.

(Ord. No. 12-02, § 30.43, 7-16-2012)

**Sec. 30-44. Emergency cease and desist order.**

When the city finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened illicit discharge to the MS4 or waters of the state, which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City may issue an order to the violator directing it to immediately cease and desist all such violations.

(Ord. No. 12-02, § 30.44, 7-16-2012)

**Sec. 30-45. Injunctive relief.**

If a person has violated or continues to violate the provisions of this chapter, the City of Spring Park may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Ord. No. 12-02, § 30.45, 7-16-2012)

**Sec. 30-46. Compensatory action.**

In lieu of or in addition to the enforcement proceedings, penalties, and remedies authorized by this chapter, the City of Spring Park may impose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Ord. No. 12-02, § 30.46, 7-16-2012)

**Sec. 30-47. Violations deemed a public nuisance.**

In addition to the enforcement processes and penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the city.

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(Ord. No. 12-02, § 30.47, 7-16-2012)

**Sec. 30-48. Assessments.**

All costs, expenses and attorneys fees incurred by the city in abating any public nuisance under this chapter may be assessed against the premises at which the violation exists as a special assessment under Minn. Stat. ch. 429.

(Ord. No. 12-02, § 30.48, 7-16-2012)

**Sec. 30-49. Remedies not exclusive.**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Spring Park to seek cumulative remedies.

(Ord. No. 12-02, § 30.49, 7-16-2012)